

What is claimed is:

1. An absorbent article comprising,
  - a. a fluid permeable facing layer having a first elastic modulus;
  - b. an absorbent core joined to the facing layer, the absorbent core having a second elastic modulus;
  - c. wherein at equal strain from about 1% to about 5% the first elastic modulus is greater than the second elastic modulus; and
  - d. a fluid impermeable backsheet joined to the facing layer.
2. The absorbent article of Claim 1, wherein a ratio of the first elastic modulus to the second elastic modulus from about 6:1 to about 2000:1.
3. The absorbent article of Claim 1, wherein the absorbent article has an effective width from about 20 mm to about 80 mm.
4. The absorbent article of Claim 1, wherein the density of the absorbent core is between about 0.050 g/cm<sup>3</sup> and about 0.15 g/cm<sup>3</sup>.
5. The absorbent article of Claim 1, wherein the facing layer has a caliper and the absorbent core has a second caliper, and wherein the ratio between the facing layer caliper and the absorbent core caliper is from about 1:3 to about 1:20.
6. The absorbent article of Claim 1, wherein the absorbent article is a catamenial device.
7. The absorbent article of Claim 1, wherein the facing layer is joined to the absorbent core at substantially the entirety of their respective interfacial surfaces.
8. The absorbent article of Claim 1, wherein the absorbent article further comprises a body facing surface, a width and a lateral centerline, the absorbent article being deformed convexly with respect to the body facing surface when sufficiently loaded by opposing forces across the width parallel to the lateral centerline.
9. The absorbent article of Claim 1, wherein the facing layer comprises a topsheet and a secondary topsheet.
10. The absorbent article of Claim 9, wherein said topsheet is an apertured, formed film topsheet.

11. The absorbent article of Claim 9, wherein said secondary topsheet is a nonwoven web.
12. The absorbent article of Claim 1, wherein said facing layer has an elastic modulus from about 6 kPa to about 700 kPa.
- 5 13. The absorbent article of Claim 1, wherein said absorbent core has an elastic modulus from about 0.3 kPa to about 2.0 kPa.
14. The absorbent article of Claim 1, further comprising a fluid impermeable backsheet layer joined to the topsheet.
- 10 15. The absorbent article of Claim 1, further comprising a pair of deep-embossed channels, the channels defining an effective width.
16. The absorbent article of Claim 15, wherein said effective width is from about 20 mm to about 50 mm.
17. An absorbent article comprising,
  - a. a fluid permeable facing layer having a first tangent modulus;
  - 15 b. an absorbent core joined to the facing layer, the absorbent core having a second tangent modulus;
  - c. wherein at any strain from about 1% to about 50% the first tangent modulus is greater than the second tangent modulus.
18. The absorbent article of Claim 1, wherein the absorbent article is a catamenial device.
- 20 19. The absorbent article of Claim 17, wherein the facing layer comprises a topsheet and a secondary topsheet.
20. The absorbent article of Claim 17, further comprising a pair of deep-embossed channels, the channels defining an effective width.

With respect to **Claim 1,12**: Chen teaches an absorbent article 50 comprising a liquid-pervious topsheet (not shown) having a first elastic modulus, a central absorbent member 58 having a second elastic modulus, and a fluid impermeable backsheet 52 joined to said topsheet. (Fig. 3) ('233, Col. 2, lines 46-51, Col. 19, lines 54-59) Chen teaches that central absorbent member 58 is comprised of an oil-in-water high internal phase emulsion (HIPE) foam by incorporating by reference U.S. Patent No. 5,692,939 to DesMarais et al. ('233, Col. 9, lines 43,44,57-60)

Chen does not teach that the first elastic modulus of said topsheet is greater than the second modulus of said HIPE foam member 58. Thunhorst teaches an absorbent HIPE foam comprised of an oil-in-water emulsion as taught by DesMarais. ('305, Col. 22, lines 45-54) Thunhorst teaches that said foam has a second elastic modulus in the range of 41-1,082 kPa. ('305, Col. 23, Table 6) The first elastic modulus of film grade linear low-density polyethylene is in the range of 0.011-0.413 GPa (11,000 kPa – 413,000 kPa) according to The Online Materials Database. Therefore Examiner is concluding that said topsheet inherently has a first elastic modulus that is greater than the second elastic modulus of the central absorbent foam member 58.

*Inherency is not 102, it's either 102 or 102/103*

With respect to **Claim 2**: Chen teaches by reference and inherency (see the rejection of Claim 1) that the ratio of said first elastic modulus to said second elastic modulus is in the range of 11:1 - 10,073:1.

With respect to **Claim 3**: Chen teaches that the outer absorbent member has a transverse width of between 4 cm and about 8 cm (40 mm to about 80 mm). ('233, Col. 10, lines 60-65)

*flows from identity of materials of the first and second layers, if such identity is present.*

What is claimed is:

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5 1. An absorbent article comprising,
  - a. a fluid permeable facing layer having a first elastic modulus;
  - b. an absorbent core joined to the facing layer, the absorbent core having a second elastic modulus;
  - c. wherein at equal strain from about 1% to about 5% the first elastic modulus is greater than the second elastic modulus; and
  - d. a fluid impermeable backsheet joined to the facing layer.
- 10 2. The absorbent article of Claim 1, wherein a ratio of the first elastic modulus to the second elastic modulus from about 6:1 to about 2000:1. .011-.413
- 1028  
233 3. The absorbent article of Claim 1, wherein the absorbent article has an effective width from about 20 mm to about 80 mm.
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233 4. The absorbent article of Claim 1, wherein the density of the absorbent core is between about 0.050 g/cm<sup>3</sup> and about 0.15 g/cm<sup>3</sup>.
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233 5. The absorbent article of Claim 1, wherein the facing layer has a caliper and the absorbent core has a second caliper, and wherein the ratio between the facing layer caliper and the absorbent core caliper is from about 1:3 to about 1:20. core  
.08-.25 cm
- 1028  
233 6. The absorbent article of Claim 1, wherein the absorbent article is a catamenial device.
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233 7. The absorbent article of Claim 1, wherein the facing layer is joined to the absorbent core at substantially the entirety of their respective interfacial surfaces.
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233 8. The absorbent article of Claim 1, wherein the absorbent article further comprises a body facing surface, a width and a lateral centerline, the absorbent article being deformed convexly with respect to the body facing surface when sufficiently loaded by opposing forces across the width parallel to the lateral centerline.
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233 9. The absorbent article of Claim 1, wherein the facing layer comprises a topsheet and a secondary topsheet.
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868 10. The absorbent article of Claim 9, wherein said topsheet is an apertured, formed film topsheet.

.001 GPA - .413

.00041 - .001

- 102B  
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11. The absorbent article of Claim 9, wherein said secondary topsheet is a nonwoven web.
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Inherency
12. The absorbent article of Claim 1, wherein said facing layer has an elastic modulus from about 6 kPa to about 700 kPa.
- 5 102B  
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13. The absorbent article of Claim 1, wherein said absorbent core has an elastic modulus from about 0.3 kPa to about 2.0 kPa.
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14. The absorbent article of Claim 1, further comprising a fluid impermeable backsheet layer joined to the topsheet.
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- 10 15. The absorbent article of Claim 1, further comprising a pair of deep-embossed channels, the channels defining an effective width.
- 102B  
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16. The absorbent article of Claim 15, wherein said effective width is from about 20 mm to about 50 mm.
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17. An absorbent article comprising,
- 102B  
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- 15 a. a fluid permeable facing layer having a first tangent modulus;
- b. an absorbent core joined to the facing layer, the absorbent core having a second tangent modulus;
- c. wherein at any strain from about 1% to about 50% the first tangent modulus is greater than the second tangent modulus.
- 102B  
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18. The absorbent article of Claim 1, wherein the absorbent article is a catamenial device.
- 20 duplicate  
19 claim
19. The absorbent article of Claim 17, wherein the facing layer comprises a topsheet and a secondary topsheet.
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20. The absorbent article of Claim 17, further comprising a pair of deep-embossed channels, the channels defining an effective width.
- 102B  
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